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NO.652 P.12

DOCKET NO. CRD5046USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Donald K. Jones, et al.
 Serial No.: 10/738,477
 Filed : December 17, 2003
 For : Activatable Bioactive Implantable
 Medical Device And Method Of Use

Art Unit: 3767

Examiner: Bradley J. Osinski

Confirmation No. 8210

I hereby certify that this correspondence is sent
 by facsimile transmission to the Commissioner for Patents,
 at 571-272-8300 on September 11, 2008.

By:

Michael W. Montgomery
 Michael W. Montgomery
 Attorney for Applicants

To: Commissioner for Patents
 Alexandria, VA 22313

NOTICE OF APPEAL

Applicant(s) hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated May 12, 2008 finally rejecting Claims 17 and 18 of the above-identified application.

The item(s) checked below are appropriate:

1. ☐ An extension of time to respond to the final rejection was granted on _____ for month(s).
2. ☒ A Petition For Extension Of Time under 37 CFR 1.136 is attached hereto in triplicate.
3. ☐ A timely response to the final rejection has been filed.
4. ☒ Fee \$510.00: for filing of Notice of Appeal
☐ Not required (fee paid in prior appeal)
☒ Charge to Deposit Account No. 10-0750/CRD5046USNP/MWM. Two additional copies of this Notice are enclosed herewith.
☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment in connection herewith to Deposit Account No. 10-0750/CRD5046USNP/MWM.

Respectfully submitted,

Michael W. Montgomery
 Michael W. Montgomery
 Reg. No. 35,958
 Attorney for Applicants

Johnson & Johnson
 One Johnson & Johnson Plaza
 New Brunswick, NJ 08933-7003
 (786-313-2922
 Date: September 11, 2008

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